



INFORMATION TECHNOLOGY INDUSTRY COUNCIL

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July 19, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

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JUL 19 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: ET 95-19 -- Request by Information Technology Industry Council for
Reconsideration

Dear Mr. Caton:

I am enclosing an original and ten copies of the Information Technology
Industry Council's (ITI) request for reconsideration in ET Docket No. 95-19,
"Streamlining the Equipment Authorization Procedure for Digital Devices."

Sincerely,

Fiona J. Branton
Director, Government Relations and
Regulatory Counsel
Information Technology Industry Council

Enclosures

049

The association of leading IT companies.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Streamlining the Equipment
Authorization Procedures for
Digital Devices

ET No. 95-19

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PETITION OF
THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL
FOR RECONSIDERATION

Pursuant to Section 1.429 of the Commission's Rules, the Information Technology Industry Council (ITI) respectfully requests that the Commission reconsider in part its Final Rule in ET Docket 95-19, as published in the Federal Register on June 19, 1996¹.

Specifically, ITI requests that the Final Rule be revised in two respects. First, the Commission should reconsider its policy of extending the concept of mandatory laboratory accreditation to U.S. trade partners which currently do not require accreditation to similar regulations. Second, the Commission should reverse its requirement that manufacturers' laboratories be accredited in order to submit Declarations of Conformity and clarify whether laboratories owned by U.S. manufacturers that are located outside of the United States will be will be accredited only if there is a mutual recognition agreement between that country and the United States that permits similar accreditation of U.S. facilities.

¹ Streamlining the Equipment Authorization Process for Digital Devices, Final Rule, 61 FR 31044, June 19, 1996 (hereinafter "Final Rule").

I. Mandatory Laboratory Accreditation Has Serious Implications for International Trade

We are seriously concerned about the precedent the Final Rule sets in extending the concept of mandatory laboratory accreditation to U.S. trade partners which currently do not require accreditation to similar regulations. The trend in major international markets is toward Declaration of Conformity without requiring lab accreditation. The European Union, Canada, and Australia currently allow EMI testing in the United States with no accreditation requirement for testing laboratories. The Japanese Voluntary Control Council for Interference requires only EMI test laboratory registration similar to the current FCC requirement. The international trade implications of U.S. domestic regulatory procedures, such as these are serious and merit careful consideration by the Commission. The requirement that Mutual Recognition Agreements be in force prior to accreditation further extends a requirement which we believe should be negotiated on a voluntary, private sector basis. In addition, the U.S. government has yet to reach agreement on MRAs with any of our international trading partners, further complicating the new requirement.

Further, the note to new paragraph (d) of Section 2.948 of the Commission's Rules states "[p]arties that are located outside of the United States or its possessions will be accredited only if there is a mutual recognition agreement between that country and the United States that permits similar accreditation of U.S. facilities to perform testing for products marketed in that country." ITI requests clarification whether this applies to laboratories owned by U.S. companies that are located outside of the United States.

II. ITI Supports Self-Declaration for Computer Compliance

As ITI previously noted in Comments and Reply Comments in response to the Notice of Proposed Rulemaking in ET Docket No. 95-19, ITI strongly supports the use of the new "Declaration of Conformity" procedure that permits manufacturers or suppliers of Class B personal computers and peripheral equipment to self-declare compliance with FCC standards for controlling radio interference.² We further support the Final Rule's adoption of a simplified labeling program and a Modular Component/Modular Computer regulatory program.

ITI agrees with the Commission's conclusion that the adoption of the Declaration of Conformity procedure will result in significant cost and time-to-market savings for industry, while continuing to ensure that users are protected against harmful interference from digital devices. The new procedures will help the U.S. computer industry maintain its global competitiveness.³

III. The Commission Should Reconsider Requiring Accreditation for Manufacturers' Laboratories

The Final Rule amends Section 2.948 of the Commission's rules to add a new paragraph (d) requiring that if equipment is to be authorized under a Declaration of Conformity, the party performing the measurements shall be accredited for performing such measurements by an authorized accreditation body approved by the FCC's Office of Engineering and Technology.⁴ ITI members will comply fully with the mandatory laboratory accreditation requirement. We believe, however, that requiring laboratories owned by

² Final Rule, P 1.

³ See Comments of ITI in ET Docket 95-19, June 5, 1995

⁴ 47 CFR Section 2.948 (d), 61 FR 31046, June 19 1996

manufacturers of computer and peripheral equipment to be accredited is unnecessary given the technological capacity and expertise in manufacturing quality of multinational information technology firms. This new requirement will impose significant financial and other burdens on companies, and result in higher costs to consumers of information technology goods and services. ITI respectfully requests the Commission to reconsider the requirement that manufacturers' laboratories be accredited.

As we noted in our Comments and Reply Comments on the Notice of Proposed Rulemaking in ET Docket 95-19, there is no need to require laboratory accreditation for manufacturers.⁵ There has been no demonstration that manufacturers' test facilities lack credibility or that a mandatory accreditation process will substantially improve the testing process or quality over that achieved without such a requirement. Instead, the Commission should require that manufacturers' test facilities performing measurements for products subject to a Declaration of Conformity equipment authorization to file basic "qualifying" information with the agency, as they have in performing certification measurements.⁶ As we previously commented, mandatory accreditation will unduly burden the industry with unnecessary bottleneck costs and delays, replacing the FCC's certification delays and costs with unnecessary lab accreditation bottlenecks.⁷

There is no evidence or data to indicate that manufacturers' laboratories currently performing certification testing are incapable of continuing to perform the tests they have performed for more than a decade, or that manufacturers, if not closely controlled, will indiscriminately violate the Commission's technical standards. There is no basis for burdening

⁵ See Comments of ITI in ET Docket 95-19; Reply Comments, July 5, 1995, at 14.

⁶ Reply Comments of ITI in PP Docket 96-16, Improving Commission Processes, March 29, 1996, at 1.

⁷ Reply Comments of ITI in ET Docket 95-19, July 5, 1995, at 17-18.

industry and consumers with the cost and expense associated with a mandatory accreditation program

ITI requests that the Commission reconsider the requirement in the Final Report that laboratories owned by computer and computer peripheral manufacturers be accredited in order to request equipment authorization under a Declaration of Conformity

IV. The Provisional Acceptance Period Must be Extended

If manufacturers' laboratories must be accredited, ITI supports the steps outlined in the Commission's Public Notice of July 16, 1996 to facilitate use of the Declaration of Conformity procedure. However, we respectfully request that the time for provisional accreditation, as outlined in the Public Notice, be extended from one year to at least two years.

ITI agrees with the Commission's statement in the Public Notice that it will take several months to complete the accreditation process for the many laboratories that have or will file applications for accreditation with the FCC-designated accreditation organizations. As announced in the Public Notice, the Commission will accept a laboratory that submits documents to OET's Equipment Authorization Division stating that it has filed an application for accreditation with an approved laboratory accreditation body and provides evidence that it meets all aspects of ISO/IEC Guide 25. However, we believe it will take considerably more than the allowed year for the accreditation bodies to act upon the applications. Consequently, we request that the provisional accreditation period be extended to a period of at least two years.

Respectfully submitted,

Fiona J. Branton

Fiona J. Branton
Director, Government Relations and
Regulatory Counsel
Information Technology Industry Council

Date: July 19, 1996